

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB -LFG

RIO CHAMA STREAM SYSTEM
Section 1, Chama Mainstream

Subfile No. 287

MOTION FOR SUBSTITUTION OF PARTIES

Pursuant to Fed. R. Civ. P. 25(a)(1), the Plaintiff State of New Mexico, *ex rel.* State Engineer moves the Court to substitute DENNIS C. MONTOYA, ANTHONY J. MAESTAS and MARGARET C. YUMA for defendant CIDELIA MARTINEZ in these proceedings with respect to the water rights appurtenant to Tract 20.2A in Subfile 287 in the Chama Mainstream Section, and in support of this motion states the following:

1. Using the records of the Rio Arriba County Clerk and the Rio Arriba County Assessor's Office, the State has determined that various portions of Tract 20.2A in Section 1 of the Rio Chama Stream System are currently owned by Dennis C. Montoya, Anthony J. Maestas and Margaret C. Yuma. The water rights appurtenant to Tract 20.2A were described in the subfile order for defendant Cidelia Martinez filed with the Court on August 7, 1969 (Doc. No. 183) (Subfile 287).

2. Pursuant to the Order filed August 25, 2011 (Doc. No. 10537), Dennis C. Montoya, Anthony J. Maestas and Margaret C. Yuma should be substituted for Cidelia Martinez in these proceedings, and served with the Court's notice/order to show cause with respect to the State's

proposed priority date for the water rights appurtenant to Tract 20.2A. A proposed form of notice/order to show cause to be served upon Dennis C. Montoya, Anthony J. Maestas and Margaret C. Yuma will be submitted to the Court for review and approval following substitution of parties.

3. Although the subfile order for defendant Cidelia Martinez in Subfile 287 filed with the Court did not include the hydrographic survey map and tract information for the lands described in the order, there is no need to correct the original subfile order to include this information. In addition, although Tract 20.2A has been subdivided since the entry of the original subfile order, it is not necessary for the State to attempt a remapping of the subdivided tract. The Hydrographic Survey and Mapping Bureau of the Office of the State Engineer has confirmed that the lands described in the original subfile order corresponds to Tract 20.2A of the State Engineer's hydrographic survey, and that Dennis C. Montoya, Anthony J. Maestas and Margaret C. Yuma are the current owners of at least a portion of the original unsubdivided tract.

WHEREFORE the State of New Mexico requests the Court to enter its order substituting Dennis C. Montoya, Anthony J. Maestas and Margaret C. Yuma for defendant Cidelia Martinez in these proceedings with respect to the water rights appurtenant to Tract 20.2A in Subfile 287.

Respectfully submitted,

/s/ Ed Newville
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 2nd day of September 2011 I filed the foregoing electronically through the CM/ECF system which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF Participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Dennis C. Montoya
10107 Brenda Ave.
Buena Park, CA 90620

Anthony J. Maestas
P.O. Box 1328
San Juan Pueblo, NM 87566

Margaret C. Yuma
P.O. Box 3249
Taos, NM 87571

/s/ Ed Newville
EDWARD G. NEWVILLE